

## **REMARKS**

These Remarks are responsive to the Office Action mailed April 6, 2006 ("Office Action"). Applicants respectfully request reconsideration of the rejections therein for at least the following reasons.

### **I. STATUS OF THE CLAIMS**

Claims 11, 13-26 and 50-51 are pending, with claims 11, 21, and 24 being the independent claims.

### **II. THE PENDING CLAIMS ARE NOT ANTICIPATED BY UNITED STATES PATENT NUMBER 6,089,284 TO KAEHLER ET AL.**

Claims 11, 13-26 and 50-51 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pat. No. 6,089,284 to Kaehler et al. ("Kaehler"). To the extent this rejection applies to the pending claims, Applicants respectfully traverse the rejection and request reconsideration thereof for reasons set forth below.

Claim 11 has been amended to recite "wherein the loyalty award program data comprises a loyalty award amount that is redeemable with a merchant other than a merchant associated with the merchant identifier." In one embodiment of the invention, the transaction processing system may have an association with a plurality of different merchants to allow a merchant associated with the system to couple its incentive program with that of another participating merchant. Such a system may allow customer loyalty to be awarded across multiple merchants. See, e.g., 10/083,249 at 7:4-7.

Kaehler does not teach or suggest the recited loyalty award program data. Instead, because Kaehler only teaches one merchant, Kaehler teaches a loyalty award that may be redeemed only at the merchant's point-of-sale. Such a loyalty award is therefore, not redeemable with a merchant other than a merchant associated with the merchant identifier. Accordingly, Kaehler does not anticipate or make obvious claim 11. Applicants therefore respectfully submit that claim 11 is allowable over Kaehler.

Claims 13-20, 50 and 51 depend from allowable claim 11 and are therefore allowable for at least that reason.

Amended claim 21 recites a method for enrolling users in a transaction processing program. Specifically, amended claim 21 recites, “enrolling a user associated with the customer transponder by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system.” Kaehler does not teach any method for enrolling users in a transaction program, much less the recited method for enrolling users in a transaction processing program. Accordingly, Kaehler does not anticipate or make obvious claim 21. Applicants therefore respectfully submit that claim 21 is allowable over Kaehler.

Claims 22 and 23 depend from allowable claim 21 and are therefore allowable for at least that reason.

Amended claim 24 recites a method for enrolling users in a transaction processing program. Specifically, amended claim 24 recites, “enrolling a user associated with the customer transponder by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system.” Kaehler does not teach any method for enrolling users in a transaction program, much less the recited method for enrolling users in a transaction processing program. Accordingly, Kaehler does not anticipate or make obvious claim 24. Applicants therefore respectfully submit that claim 24 is allowable over Kaehler.

Claims 25 and 26 depend from allowable claim 24 and are therefore allowable for at least that reason.

### III. **CLOSING COMMENTS**

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, a Notice of Allowance is earnestly solicited. As always, if the Examiner has any questions or concerns, the Examiner is encouraged to contact the undersigned attorney at any time. As previously stated, it is believed that the correct fees are submitted with this Response. However, if there is a shortage or deficiency in fees, the Commissioner is hereby authorized to charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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